

Samuel Maida (SBN 333835)  
HAUSFELD LLP  
600 Montgomery Street, Suite  
3200 San Francisco, CA 94111  
Tel: 415-633-1908  
Fax: 415-358-4980  
Email: [smaida@hausfeld.com](mailto:smaida@hausfeld.com)

Manuel J. Dominguez (*pro hac vice*)  
COHEN MILSTEIN SELLERS & TOLL PLLC  
11780 U.S. Highway One, Suite N500  
Palm Beach Gardens, FL 33408  
Tel: 561-515-2604  
Fax: 561-515-1401  
Email: [jdominguez@cohenmilstein.com](mailto:jdominguez@cohenmilstein.com)

Jeffrey J. Corrigan (*pro hac vice*)  
SPECTOR ROSEMAN & KODROFF, P.C.  
2001 Market Street, Suite 3420  
Philadelphia, PA 19103  
Tel: 215-496-0300  
Fax: 215-496-6611  
Email: [jcorrigan@srkattorneys.com](mailto:jcorrigan@srkattorneys.com)

*Attorneys for Plaintiffs*

[Additional Counsel Listed on Signature Page]

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

IN RE: DA VINCI SURGICAL  
ROBOT ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

Case No.: 3:21-cv-03825-AMO-LB

**STIPULATION AND ~~PROPOSED~~ ORDER  
TO MODIFY THE CLASS CERTIFICATION  
BRIEFING SCHEDULE**

Judge: The Honorable Araceli Martínez-Olguín

1 Pursuant to Local Civil Rule 6-2, Plaintiffs Larkin Community Hospital, Franciscan Alliance,  
 2 Inc., and King County Public Hospital District No. 1, d/b/a Valley Medical Center and Defendant  
 3 Intuitive Surgical, Inc. (collectively, the “Parties”) stipulate as follows and respectfully request that the  
 4 Court endorse this stipulation with an order modifying the class certification briefing deadlines:

5 WHEREAS, the prior case schedule provided that briefing on Plaintiffs’ motion for class  
 6 certification would take place after the hearing on the summary judgment and *Daubert* motions, which  
 7 had been scheduled for June 8, 2023, with Plaintiffs’ motion for class certification due July 13, 2023,  
 8 Defendant’s opposition due August 17, 2023, and Plaintiffs’ reply due September 14, 2023;

9 WHEREAS, on May 11, 2023, an order accompanying the reassignment of this case from Judge  
 10 Chhabria to Judge Martínez-Olgún (ECF No. 173) vacated all hearing dates, but provided that existing  
 11 briefing schedules for motions would remain unchanged, which removed the link between the hearing  
 12 on the summary judgment and *Daubert* motions and the filing date for Plaintiffs’ class certification  
 13 motion;

14 WHEREAS, the hearing date on the summary judgment and *Daubert* motions has now been  
 15 rescheduled for September 7, 2023;

16 WHEREAS, on June 19, 2023, Defendant filed a motion to extend the deadline for its opposition  
 17 to Plaintiffs’ class certification motion, which it has agreed to withdraw with the understanding that both  
 18 Parties reserve the right to request further modification of the proposed class certification briefing  
 19 schedule after the hearing on the summary judgment and *Daubert* motions;

20 NOW THEREFORE, the Parties have agreed, subject to the Court’s approval, to the following  
 21 amended briefing schedule for Plaintiffs’ class certification motion:

Event	Proposed Date
Joint CMC Statement due	September 28, 2023
Case Management Conference	October 5, 2023
Deadline to file motion for class certification	October 27, 2023
Deadline to file opposition to motion for class certification	December 6, 2023
Deadline to file reply in support of motion for class certification	January 12, 2024

1 DATED: June 22, 2023

2 By: /s/ Michael J. Boni

3 Michael J. Boni  
4 Joshua D. Snyder (*pro hac vice*)  
5 John E. Sindoni (*pro hac vice*)  
6 BONI, ZACK & SNYDER LLC  
7 15 St. Asaphs Road  
8 Bala Cynwyd, PA 19004  
9 Tel: 610-822-0200  
10 Fax: 610-822-0206  
11 Email: mboni@bonizack.com  
12 jsnyder@bonizack.com  
13 jsindoni@bonizack.com

14 *Counsel for Plaintiffs and the Proposed Class*

15 Manuel J. Dominguez (*pro hac vice*)  
16 COHEN MILSTEIN SELLERS &  
17 TOLL PLLC  
18 11780 U.S. Highway One, Suite N500  
19 Palm Beach Gardens, FL 33408  
20 Tel: 561-515-2604  
21 Fax: 561-515-1401  
22 Email: jdominguez@cohenmilstein.com

23 Jeffrey J. Corrigan (*pro hac vice*)  
24 Jeffrey L. Spector (*pro hac vice*)  
25 Icee N. Etheridge (*pro hac vice*)  
26 SPECTOR ROSEMAN & KODROFF, P.C.  
27 2001 Market Street, Suite 3420  
28 Philadelphia, PA 19103  
Tel: 215-496-0300  
Fax: 215-496-6611  
Email: jcorrigan@srkattorneys.com  
jspector@srkattorneys.com  
ietheridge@srkattorneys.com

29 Benjamin D. Brown (SBN 202545)  
30 Daniel McCuaig (*pro hac vice*)  
31 Zachary Glubiak (*pro hac vice*)  
32 COHEN MILSTEIN SELLERS &  
33 TOLL PLLC  
34 1100 New York Ave., Suite 500  
35 Washington, DC 20005  
36 Tel: 202-408-4600  
37 Fax: 202-408-4699  
38 Email: bbrown@cohenmilstein.com  
dmccuaig@cohenmilstein.com  
zglubiak@cohenmilstein.com

39 Brent W. Landau (*pro hac vice*)  
40 Jeannine M. Kenney (*pro hac vice*)  
41 HAUSFELD LLP  
42 325 Chestnut Street, Suite 900  
43 Philadelphia, PA 19106  
44 Tel: 215-985-3270  
45 Fax: 215-985-3271  
46 Email: blandau@hausfeld.com  
jkenney@hausfeld.com

47 Christopher J. Bateman (*pro hac vice*)  
48 COHEN MILSTEIN SELLERS &  
49 TOLL PLLC  
50 88 Pine Street, 14th Floor  
51 New York, NY 10005  
52 Tel: 212-838-7797  
53 Fax: 212-838-7745  
54 Email: cbateman@cohenmilstein.com

55 Reena A. Gambhir (*pro hac vice*)  
56 HAUSFELD LLP  
57 888 16th St NW  
58 Washington, DC 20006  
59 Tel: 202-540-7145  
60 Fax: 202-540-7201  
61 Email: rgambhir@hausfeld.com

Samuel Maida (SBN 333835)  
Gary I. Smith, Jr. (SBN 344865)  
HAUSFELD LLP  
600 Montgomery Street, Suite  
3200 San Francisco, CA 94111  
Tel: 415-633-1908  
Fax: 415-358-4980  
Email: [smaida@hausfeld.com](mailto:smaida@hausfeld.com)  
[gsmith@hausfeld.com](mailto:gsmith@hausfeld.com)

*Interim Co-Lead Counsel for Plaintiffs and the Proposed Class*

DATED: June 22, 2023

By: /s/ Kathryn E. Cahoy  
KATHRYN E. CAHOY

*Attorney for Intuitive Surgical, Inc.*

### *Additional Counsel for Intuitive Surgical, Inc.*

KATHRYN E. CAHOY (SBN 298777)  
Email: [kcahoy@cov.com](mailto:kcahoy@cov.com)  
COVINGTON & BURLING LLP  
3000 El Camino Real  
5 Palo Alto Square, 10th Floor  
Palo Alto, California 94306-2112  
Telephone: (650) 632-4700  
Facsimile: (650) 632-4800

KAREN HOFFMAN LENT (*Pro Hac Vice*)

Email: karen.lent@skadden.com

MICHAEL H. MENITOVE (*Pro Hac Vice*)

Email: michael.menitove@skadden.com

SKADDEN, ARPS, SLATE,

MEAGHER & FLOM LLP

## One Manhattan West

New York, NY 10001

Telephone: (212) 735-3000

Facsimile: (212) 735-2040

SONYA WINNER (SBN 200348)  
Email: [swinner@cov.com](mailto:swinner@cov.com)  
CORTLIN H. LANNIN (SBN 266)  
Email: [clannin@cov.com](mailto:clannin@cov.com)  
ISAAC D. CHAPUT (SBN 32692)  
Email: [ichaput@cov.com](mailto:ichaput@cov.com)  
COVINGTON & BURLING LLP  
Salesforce Tower  
415 Mission Street, Suite 5400  
San Francisco, California 94105-2  
Telephone: (415) 591-6000  
Facsimile: (415) 591-6091

ANDREW LAZEROW (*Pro Hac Vice*)  
Email: [alazerow@cov.com](mailto:alazerow@cov.com)  
ASHLEY E. BASS (*Pro Hac Vice*)  
Email: [abass@cov.com](mailto:abass@cov.com)  
JOHN KENDRICK (*Pro Hac Vice*)  
Email: [jkendrick@cov.com](mailto:jkendrick@cov.com)  
COVINGTON & BURLING LLP  
One City Center 850 Tenth Street NW

1 Washington DC 20001-4956  
2 Telephone: (202) 662-6000  
3 Facsimile: (202) 662-6291  
4

5 IT IS SO ORDERED that the foregoing Stipulation and [Proposed] Order to Modify the Class  
6 Certification Briefing Schedule is approved.  
7

8 Dated June 23, 2023 BY THE COURT:

9   
10

11 HON. ARACELI MARTÍNEZ-OLGUÍN  
12 United States District Judge  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28